



Attorney Docket No. 848075/0053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Susumu KASHIWASE

Serial No.: 10/635,867

Filed: August 6, 2003

For: **WIRELESS COMMUNICATION SYSTEM**

Examiner: Ngo, Nguyen Hoang Group Art Unit: 2473

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal signed by the undersigned, Applicant's counsel.

The review is requested for the reason(s) stated below.

REMARKS

This request for review is filed in response to the final Office Action dated June 21, 2010, directed to pending claims 1-21 and 28-52 of which claims 1, 16, 28 and 45 are independent. All claims stand rejected. The Examiner has rejected all pending claims as obvious over combinations of either: Gitlin et al. (US 6,018,528), in view of Yano et al. (US 6,563,806) in further view of Sawaki (US 5,778,319) or Gitlin in view of Yano in view of Krishnamoorthy et al. (US 2002/0051424). All pending independent claims stand rejected over the combination of Gitlin, Yano and Sawaki.

Summary of the Argument.

Sawaki is inapplicable to the pending claims as it does not disclose a system that is used with a wireless communication terminal that communicates with a single carrier and a wireless communication device that communicates with multiple carriers. Sawaki discloses, in a TDMA system, a radio zone under synchronous control of a TDMA controller. "A frame made up of time slots t_1 through t_2 shown in FIG. 2 issued as a transmission unit in this radio zone." Sawaki at Col. 2, lines 4-6. Nowhere does Sawaki disclose and the Examiner does not cite to any reference in Sawaki to a device that communicates with multiple carriers. Only TDMA devices are shown in Sawaki. As a result, Sawaki does not disclose, for example, allocation information for identifying one carrier or a plurality of carriers as found in the independent claims. For that reason, the combination of Gitlin, Yano and Sawaki cannot render obvious any of the independent claims, or their respective dependent claims. Accordingly, Applicant requests a finding by the Panel that the application is allowed on the existing claims and prosecution is closed.

The Examiner's Reasoning

In the June 21, 2010, Office Action, the Examiner asserts Sawaki discloses:

“allocation information for identifying a wireless communication terminal communicating with said base station (table stores an identifier of a call in correspondence with the identifier of each mobile station, col 10 lines 8-11), and

allocation information is for identifying one carrier or a plurality of carriers (radio channels that are assigned in relation to each mobile station, col 10 lines 1-8).

It would have thus been obvious to a person skilled in the art at the time the invention was made to incorporate the concept of storing allocation information (information regarding mobile station and which channels are assigned to the connection) as disclosed by Sawaki into the method for assigning communication channel at a base station as disclosed by Gitlin and Yano, in order to efficiently and correctly store the needed information at a base station so that communications may be accomplished through channels from the base station to a mobile station and so that the data may be transferred through the correct channels.”

Applicant filed a response to the Office Action on September 21, 2010, distinguishing Sawaki over the pending claims, but the Examiner disagreed with Applicant’s analysis of Sawaki and maintained the rejection. The undersigned then conducted an Interview with the Examiner.

Following the Interview, the Examiner clarified that the “Examiner simply relies on Sawaki to disclose the concept of a storage section for storing allocation information is for identifying a terminal communication with a base station (col 10 lines 8-11) and for identifying carriers (col 10 lines 1-8).” Office Action dated October 15, 2010, at 2. The Examiner further asserts “Sawaki clearly discloses storing a plurality of channel numbers including radio frequencies (carriers, col 9 lines 55-65) and of assigning a talk channel to a number of radio channels (col 13 lines 41-50) . . . thus correlating to the concept of multiple carriers.” *Id.*

However, the Examiner cites to portions of Sawaki that do not support or even correlate “to the concept of multiple carriers.”

Sawaki discloses managing the assignment of channels for TDMA communication between a mobile station and a radio base station in a radio communication system that has multiple radio base stations and multiple mobile stations. Sawaki does not disclose that the radio communication system is equipped to handle communications between a base station and a mobile stations where the mobile station is either a single carrier mobile station or multiple carrier station. Indeed, Sawaki seems to be limited to allocating channels by allocating time slots that are formed adjacent to each other by time division of a single radio frequency per mobile device. *See* Sawaki Col. 9, lines 55-62 and Sawaki, Col 16, lines 27-56 (“By making this reference, the radio control station 52 successively obtains the number of time slots formed **adjacent to each other** in the order of the time-sequence for **each** of frequencies f_1 through f_N . The radio control station 52 also discriminates whether or not the number of time slots is greater than or equal to the number of talk channels which are to be assigned depending on the applicable “channel assign request”). There is no express teaching or suggestion in Sawaki that a mobile phone employs multiple carriers as claimed.

Conclusion

Because Sawaki does not disclose single carrier and multiple carrier mobile stations using TDMA communications, Sawaki cannot disclose the claimed “allocation information.” Thus, the combination of the cited prior art cannot render the claims obvious.

The undersigned requests, on behalf of the Applicant, that the remarks in this pre-appeal brief request be considered and that, for the foregoing reasons, there are clear errors in the Examiner's rejections, namely, the Examiner's reliance on Sawaki, which does not disclose the

claimed element as argued by the Examiner. Thus, there is an absence of one or more essential elements for a *prima facie* rejection.

For the foregoing reasons, Applicant respectfully submits pending claims 1-21 and 28-52 are allowable over the prior art of record. Accordingly, Applicant requests a finding by the Panel that the application is allowed on the existing claims and prosecution is closed.

In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0053.

Respectfully submitted,



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